

**ORDINANCE NO. 16864-03-2006**

**AN ORDINANCE AMENDING ORDINANCE NO. 16818 TO REFLECT WAIVER OF PLANNED DEVELOPMENT SITE PLAN FOR ZONING CASE ZC-06-007; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE AND NAMING AN EFFECTIVE DATE**

**WHEREAS**, on February 14, 2006, the City Council approved a request in Case No. ZC-06-007 to rezone property at 4949 Bryant Irvin Road South, from "E-R" Neighborhood Commercial Restricted to Planned Development/Specific Use for a dance studio. No alcohol sales for on or off premises consumption, hours of operation Monday thru Saturday, 8 a.m. to 11 p.m.;

**WHEREAS**, the City Council voted to waive the site plan requirement, but Ordinance No. 16818 incorporating the City Council's zoning decisions from the February 14, 2006, meeting does not reflect waiver of site plan;

**WHEREAS**, it is advisable to amend Ordinance No. 16818 with regard to Case No. ZC-06-007, only, in order to reflect the City Council's decision to waive the Planned Development site plan;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:**

**SECTION 1.**

Ordinance No. 16818, an amendment to Ordinance 13896, is amended to correct the decision for Case No. ZC-06-007 to reflect that the City Council waived the Planned Development site plan, as follows:

**ZC-06-007 4949 Bryant Irvin Road North**

**Description:** Lot 14, Block 8, West Vickery Heights Addition.

**Zoning Change:**

From: *"E-R" Neighborhood Commercial Restricted;*

To: *"PD/SU" Planned Development/Specific Use, for a Dance Studio. No alcohol sales for on or off premises consumption, hours of operation Monday thru Saturday, 8 a.m. to 11 p.m. Waiver of Site Plan requirement.*

**SECTION 2.**

This ordinance corrects Ordinance No. 16818 with regard to Case No. ZC-06-007 only.

**SECTION 3.**

The zoning regulations and districts, as herein established, have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after full and complete public hearing with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of a building and encouraging the most appropriate use of land throughout the community.

#### **SECTION 4.**

This ordinance shall be cumulative of all other ordinances of the City of Fort Worth affecting zoning and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

#### **SECTION 5.**

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance No. 13896 or of any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

#### **SECTION 6.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

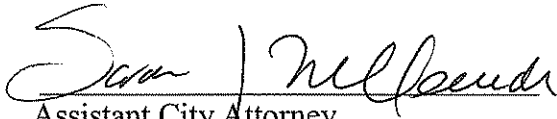
#### **SECTION 7.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 8.**

This ordinance shall take effect upon adoption and publication as required by law.

#### **APPROVED AS TO FORM AND LEGALITY:**

  
Assistant City Attorney

Adopted and Effective: March 28, 2006

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 3/28/2006 - Ordinance No. 16864-03-2006**

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**DATE:** Tuesday, March 28, 2006

**LOG NAME:** 06CORRECT 16818

**REFERENCE NO.:** \*\*G-15131

**SUBJECT:**

Adopt Ordinance Correcting Ordinance No.16818 Concerning Zoning Case No ZC-06-007 for Property Located at 4949 Bryant Irvin Road North

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**RECOMMENDATION:**

It is recommended that the City Council adopt the attached ordinance correcting Ordinance No. 16818 to reflect a waiver of the site plan for Zoning Case No. ZC-06-007.

**DISCUSSION:**

On February 14, 2006, the City Council voted to approve a request to rezone property (ZC-06-007) at 4949 Bryant Irvin Road North to Planned Development/Specific Use for a dance studio with no alcohol sales for "on or off premises consumption", hours of operation Monday thru Saturday 8 a.m. to 11 p.m. and with waiver of site plan. However, Ordinance 16818 did not reflect the City Council's vote to waive the site plan. The attached ordinance correctly reflects the Council's decision and corrects a publishing error.

This property is located in Council District 7

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that adoption of this ordinance will have no material effect on City funds.

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

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**Submitted for City Manager's Office by:**

Dale Fisseler (6266)

**Originating Department Head:**

Bob Riley (8901)

**Additional Information Contact:**

Bob Riley (8901)

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